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10 Attorneys for Defendant  
11 TOSHIBA AMERICA INFORMATION SYSTEMS, INC.

12 UNITED STATES DISTRICT COURT  
13  
14 NORTHERN DISTRICT OF CALIFORNIA  
15  
16 SAN FRANCISCO DIVISION  
17

18 MICHAEL SIMON, individually, and on  
19 behalf of all others similarly situated,

20 Plaintiffs,

21 vs.

22 TOSHIBA AMERICA, INC., a Delaware  
23 corporation, and TOSHIBA AMERICA  
24 INFORMATION SYSTEMS, INC., a  
25 California corporation,

26 Defendants.  
27  
28

Case No. C07-06202 MHP

**JOINT STATUS CONFERENCE  
STATEMENT**

Honorable Marilyn H. Patel  
Courtroom 15

JOINT STATUS CONFERENCE STATEMENT

1 Plaintiff Michael Simon and defendant Toshiba America Information Systems, Inc.  
 2 (“TAIS”), (collectively, the “Parties”), submit this Joint Status Conference Statement in advance  
 3 of the July 7, 2008, conference with the Court to provide an update as to the case status.

4 Plaintiff’s complaint asserts causes of action for: (1) violation of the Consumer Legal  
 5 Remedies Act; (2) violation of section 17200 of the California Business and Professions Code;  
 6 (3) violation of section 17500 of the California Business and Professions Code; (4) violation of  
 7 express warranty; and (5) unjust enrichment. All of the causes of action are based on the general  
 8 allegation that TAIS designed, manufactured, and sold defective consumer computer notebooks,  
 9 specifically the Satellite model line, that were advertised as having the capacity to upgrade their  
 10 Random Access Memory (RAM) to four gigabytes when, in fact, the maximum amount of RAM  
 11 upgrade capacity is substantially less. Plaintiff seeks declaratory and equitable relief,  
 12 compensatory and/or restitutionary damages, actual damages, pre judgment interest, attorneys’  
 13 fees, and costs.

14 Since the filing of the complaint, plaintiff has dismissed Toshiba America, Inc. as a  
 15 defendant.

16 TAIS disputes plaintiff’s claims.

17 As set forth in the Parties’ prior Stipulations filed with the Court, at the outset of this  
 18 action, the Parties began discussing the possibility of an early resolution of this matter. The  
 19 Parties have since had numerous conferences, including two in-person meetings, and have  
 20 informally exchanged information. As a result of those efforts, the Parties have exchanged  
 21 settlement proposals and are currently engaged in negotiations over a settlement framework. The  
 22 Parties are hopeful that by the time of the July 7 status conference, they will have finalized a  
 23 memorandum of understanding. Assuming the Parties are able to do so, they may seek to further

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1 extend the litigation deadlines, subject to Court approval to avoid the time and costs associated  
2 with full-blown litigation.

3 Dated: June 30, 2008

DEAN J. ZIPSER  
ADINA L. WITZLING  
MANATT, PHELPS & PHILLIPS, LLP

6 By: 

Dean J. Zipser  
*Attorneys for Defendant*  
TOSHIBA AMERICA INFORMATION  
SYSTEMS, INC.

9 Dated: June \_\_\_\_\_, 2008

STUART C. TALLEY  
KERSHAW, CUTTER & RATINOFF LLP

MARK J. TAMBLYN  
WESLER TORISEVA WALLACE LLP

13 By: \_\_\_\_\_

Stuart C. Talley  
*Attorneys for Plaintiff* MICHAEL SIMON

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4  
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7 Dean J. Zipser  
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TOSHIBA AMERICA INFORMATION  
SYSTEMS, INC.

9 Dated: June 30, 2008

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